

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-00421-KBJ**

HAMMOND v. DEPARTMENT OF DEFENSE et al
Assigned to: Judge Ketanji Brown Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 03/02/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ROBERT HAMMOND

represented by **Ruth Ann Azeredo**
LAW OFFICE OF RUTH ANN
AZEREDO
1997 Annapolis Exchange Parkway
Suite 300
Annapolis, MD, MD 21401
410-558-1915
Fax: 410-558-1917
Email: ruthazeredo@comcast.net
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Timothy W. Romberger
LAW OFFICES OF TIMOTHY W.
ROMBERGER
1025 Connecticut Avenue, NW
Suite 1000
Washington, DC 20036-5405
(202) 248-5053
Email: Timromberger1@comcast.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander J. E. English
GREENSPRING LEGAL, LLC
1509 Rainbow Dr
Suite 101
Silver Spring, MD 20905
(301) 466-4024
Fax: (410) 928-4952
Email: ajeenglish@greenspringlegal.com
TERMINATED: 03/19/2018

V.

Defendant

DEPARTMENT OF DEFENSE

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2561
Fax: (202) 252-2599
Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEFENSE HEALTH AGENCY

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**WALTER REED NATIONAL
MILITARY MEDICAL CENTER**

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/02/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-4434217) filed by Robert Hammond. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit Exhibits 1-4, # <u>3</u> Exhibit Exhibit 5, # <u>4</u> Exhibit Exhibits 6-13, # <u>5</u> Exhibit Exhibits 14-21, # <u>6</u> Summons Summonses)(English, Alexander) (Entered: 03/02/2016)
03/02/2016		Case Assigned to Judge Ketanji Brown Jackson. (sth) (Entered: 03/03/2016)
03/03/2016	<u>2</u>	SUMMONS(5) Issued Electronically as to DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons)(sth) (Entered: 03/03/2016)
03/23/2016	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF DEFENSE served 3/9/2016; DEFENSE HEALTH AGENCY served 3/8/2016; WALTER REED NATIONAL MILITARY MEDICAL CENTER served 3/7/2016. (Attachments: # <u>1</u> Exhibit DOD – Exhibit 1, # <u>2</u> Certificate of Service Defense Health Agency, # <u>3</u> Exhibit DHA – Exhibit 1, # <u>4</u> Certificate of Service Walter Reed National Military Medical Center, # <u>5</u> Exhibit WRNMMC – Exhibit 1)(English, Alexander) Modified on 3/24/2016 (znmw). (Entered: 03/23/2016)
03/23/2016	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/7/2016. Answer due for ALL FEDERAL DEFENDANTS by 4/6/2016. (Attachments: # <u>1</u> Exhibit Ex. 1)(English, Alexander) (Entered: 03/23/2016)
03/23/2016	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/8/16. (Attachments: # <u>1</u> Exhibit Ex. 1 – Proof of Service)(English, Alexander) (Entered: 03/23/2016)
03/31/2016	<u>6</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Braswell, Marina) (Entered: 03/31/2016)
04/06/2016	<u>7</u>	ANSWER to Complaint by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER.(Braswell, Marina) (Entered: 04/06/2016)
04/07/2016		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure, by 4/21/2016. Signed by Judge Ketanji Brown Jackson on 04/07/2016. (lckbj1) (Entered: 04/07/2016)
04/07/2016	<u>8</u>	GENERAL ORDER AND GUIDELINES FOR CIVIL CASES BEFORE JUDGE KETANJI BROWN JACKSON. The Court will hold the parties and counsel responsible for following these directives, and parties and counsel should pay particular attention to the Courts instructions for briefing motions. Failure to adhere to this Order may, when appropriate, result the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 4/7/2016. (lckbj1) (Entered: 04/07/2016)

04/21/2016	<u>9</u>	Joint MOTION for Extension of Time to <i>Submit a Joint Proposed Case Management Plan and Briefing Schedule to Govern further Proceedings until May 23, 2016</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Text of Proposed Order Proposed Order to Extend Time)(English, Alexander) (Entered: 04/21/2016)
04/22/2016		MINUTE ORDER granting, for good cause shown, <u>9</u> Joint Motion for Extension of Time to Submit Joint Proposed Case Management Plan and Briefing Schedule to Govern Further Proceedings, nunc pro tunc. It is hereby ORDERED that the parties shall file their joint proposed schedule for briefing or disclosure by 5/23/2016. Any further requests for extensions of time must comply with <u>8</u> the Court's General Order and Guidelines for Civil Cases. Counsel is specifically directed to Section 5 of the Appendix to the General Order and Guidelines. Signed by Judge Ketanji Brown Jackson on 04/22/2016. (lckbj1) (Entered: 04/22/2016)
05/23/2016	<u>10</u>	PROPOSED BRIEFING SCHEDULE <i>JOINTLY</i> by <i>DEFENDANTS</i> and by ROBERT HAMMOND. (Attachments: # <u>1</u> Text of Proposed Order)(English, Alexander) (Entered: 05/23/2016)
06/01/2016		MINUTE ORDER. Based on the representations in the parties' <u>10</u> Joint Proposed Schedule for Further Proceedings, it is hereby ORDERED that, on or before June 28, 2016, Defendants will produce to Plaintiff a Vaughn Index or Declaration addressing the information that has been withheld pursuant to any FOIA exemptions; that on or before July 15, 2016, Plaintiff will inform Defendants as to which FOIA exemption claims that Plaintiff continues to wish to challenge; and that the parties shall confer and file a joint status report on or before July 29, 2016, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 06/01/2016. (lckbj1) (Entered: 06/01/2016)
07/29/2016	<u>11</u>	MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Text of Proposed Order)(English, Alexander) (Entered: 07/29/2016)
08/01/2016		MINUTE ORDER. In light of the representations in the parties' <u>11</u> Meet and Confer Statement, it is hereby ORDERED that Plaintiff shall file any amended complaint on or before 8/29/2016; that Defendants shall answer or otherwise respond to any amended complaint on or before 9/28/2016; and that the parties shall file a status report that shall contain a proposed schedule for further proceedings, if litigation is going to be necessary, on or before 10/28/2016. Signed by Judge Ketanji Brown Jackson on 08/01/2016. (lckbj1,) (Entered: 08/01/2016)
08/29/2016	<u>12</u>	AMENDED COMPLAINT against All Defendants filed by ROBERT HAMMOND. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit A-6)(English, Alexander) (Entered: 08/29/2016)
09/26/2016	<u>13</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Amended Complaint</i> by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Braswell, Marina) (Entered: 09/26/2016)
09/27/2016		MINUTE ORDER granting, for good cause shown, <u>13</u> Unopposed Motion for Extension of Time to File Answer Amended Complaint. It is hereby ORDERED that Defendants shall answer or otherwise respond to the Amended Complaint on or before 11/21/2016. Signed by Judge Ketanji Brown Jackson on 09/27/2016. (lckbj1) (Entered: 09/27/2016)
11/21/2016	<u>14</u>	ANSWER to <u>12</u> Amended Complaint by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER. Related document: <u>12</u> Amended Complaint filed by ROBERT HAMMOND.(Braswell, Marina) (Entered: 11/21/2016)
11/23/2016		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure, by 12/9/2016. Signed by Judge Ketanji Brown Jackson on 11/23/2016. (lckbj1) (Entered: 11/23/2016)
12/09/2016	<u>15</u>	PROPOSED BRIEFING SCHEDULE re Order,, Set Deadlines, <i>Jointly Filed</i> by ROBERT HAMMOND. (English, Alexander) (Entered: 12/09/2016)

12/12/2016		MINUTE ORDER. It is hereby ORDERED that the following schedule is set for briefing summary judgment in this matter: Defendants' motion for summary judgment is due on or before 2/16/2017; Plaintiff's consolidated opposition and cross-motion for summary judgment is due on or before 3/30/2017; Defendants' consolidated reply and cross-motion opposition is due on or before 4/30/2017; Plaintiff's cross-motion reply is due on or before 5/30/2017. Signed by Judge Ketanji Brown Jackson on 12/12/2016. (lckbj1) (Entered: 12/12/2016)
02/14/2017	<u>16</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Braswell, Marina) (Entered: 02/14/2017)
02/15/2017	<u>17</u>	NOTICE of Plaintiff's Position by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER re <u>16</u> MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> (Braswell, Marina) (Entered: 02/15/2017)
02/17/2017		MINUTE ORDER granting Defendants' <u>16</u> Motion for Extension of Time to File Motion for Summary Judgment. It is hereby ORDERED that the following schedule is set for briefing summary judgment in this matter: Defendants' motion for summary judgment is due on or before 3/2/2017; Plaintiff's consolidated opposition and cross-motion for summary judgment is due on or before 4/13/2017; Defendants' consolidated reply and cross-motion opposition is due on or before 5/2/2017; Plaintiff's cross-motion reply is due on or before 6/2/2017. Signed by Judge Ketanji Brown Jackson on 2/17/2017. (lckbj3) (Entered: 02/17/2017)
02/22/2017		Set/Reset Deadlines: Cross Motions due by 4/13/2017. Response to Cross Motions due by 5/2/2017. Reply to Cross Motions due by 6/2/2017. (gdf) (Entered: 02/22/2017)
02/28/2017	<u>18</u>	MOTION for Summary Judgment by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Attachments: # <u>1</u> Bizzell Declaration)(Braswell, Marina) (Entered: 02/28/2017)
04/11/2017	<u>19</u>	MOTION for Extension of Time to File <i>Consolidated Cross-Motion and Opposition</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(English, Alexander) (Entered: 04/11/2017)
04/12/2017	<u>20</u>	NOTICE of Defendants' Position by ROBERT HAMMOND re <u>19</u> MOTION for Extension of Time to File <i>Consolidated Cross-Motion and Opposition</i> (English, Alexander) (Entered: 04/12/2017)
04/13/2017		MINUTE ORDER granting, for good cause shown, <u>19</u> Unopposed Motion for Extension of Time to File Consolidated Cross-Motion and Opposition. It is hereby ORDERED that Plaintiff's consolidated opposition and cross-motion for summary judgment is due on or before 4/18/2017; Defendants' consolidated reply and cross-motion opposition is due on or before 5/9/2017; and Plaintiff's cross-motion reply is due on or before 6/9/2017. Signed by Judge Ketanji Brown Jackson on 4/13/2017. (lckbj1) (Entered: 04/13/2017)
04/18/2017	<u>21</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment and <i>Cross-Motion for Summary Judgment</i> filed by ROBERT HAMMOND. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit Exhibits B-1 to B-7, # <u>4</u> Exhibit Exhibits B-8 to B-11, # <u>5</u> Exhibit Exhibits B-12 to B-17, # <u>6</u> Text of Proposed Order)(English, Alexander) (Entered: 04/18/2017)
04/18/2017	<u>22</u>	Cross MOTION for Summary Judgment and <i>Consolidated Opposition to Defendants' Motion for Summary Judgment</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Statement of Facts, # <u>4</u> Exhibit Exhibits B-1 to B-7, # <u>5</u> Exhibit Exhibits B-8 to B-11, # <u>6</u> Exhibit Exhibits B-12 to B-17, # <u>7</u> Text of Proposed Order)(English, Alexander) (Entered: 04/19/2017)
05/05/2017	<u>23</u>	MOTION for Extension of Time to File Response/Reply <i>Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Cross-Motion for Summary Judgment</i> by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Braswell, Marina) (Entered: 05/05/2017)

05/05/2017		MINUTE ORDER granting in part and denying in part Defendants' <u>23</u> Motion for Extension of Time. It is hereby ORDERED that Defendants' consolidated reply and cross-motion opposition is due on or before 5/23/2017, and Plaintiff's cross-motion reply is due on or before 6/23/2017. Signed by Judge Ketanji Brown Jackson on 5/5/2017. (lckbj3) (Entered: 05/05/2017)
05/08/2017	<u>24</u>	ERRATA to his Memorandum in Opposition to Defendants' Motion for Summary Judgment and Consolidated Cross-Motion for Summary Judgment by ROBERT HAMMOND <u>21</u> Memorandum in Opposition, filed by ROBERT HAMMOND, <u>22</u> Cross MOTION for Summary Judgment and Consolidated Opposition to Defendants' Motion for Summary Judgment filed by ROBERT HAMMOND. (Attachments: # <u>1</u> Errata Memorandum in Opposition and Consolidated Cross-Motion, # <u>2</u> Exhibit B-1, Hammond Letter to Walter Reed Seeking Medical Records Dated April 4, 2012, # <u>3</u> Exhibit B-2, Hammond Letter to Medical Records Officer Thurman McCall of December 16, 2012, # <u>4</u> Exhibit B-3, USPS Form 3811 Domestic Return Receipt 7012 1640 0000 9665 4524, # <u>5</u> Exhibit B-4, USPS, Ms. Teri Smith Signed Contemporaneous Notes, # <u>6</u> Exhibit B-5, Email String to Walter Reed FOIA Officer of February 26, 2015 - Preserve Records, # <u>7</u> Exhibit B-6, Ms. Teri Smith, USPS, Email of August 10, 2016, # <u>8</u> Exhibit B-7, Sustained appeal of Plaintiffs March 19, 2016 FOIA request enclosures, # <u>9</u> Exhibit B-8, Email re: Request for Access to Original 2012 DVD - Dated April 4, 2017, with addenda, # <u>10</u> Exhibit B-9, Bizzell First Declaration of 6.27.2016, # <u>11</u> Exhibit B-10, Proposed Vaughn Index, # <u>12</u> Exhibit B-11, Bizzell Memo, # <u>13</u> Exhibit B-12, Email Thread of 5.20.2015 re: DHA FY 2014 Annual FOIA Report, # <u>14</u> Exhibit B-13, Email Thread of April 22, 2015, 1 to 1 Sitter, # <u>15</u> Exhibit B-14, Appeal to DON JAG of Request WRNMMC #13-03; 1 to 1 Sitter, # <u>16</u> Exhibit B-15 FOIA WRNMMC 15-D Basis of Denial 1 to 1 Sitter, # <u>17</u> Exhibit B-16, DON JAG Appeal Denial of 18 September 2013 annotated, # <u>18</u> Exhibit B-17, Appeal to DON JAG - WRNMMC 2012 FOIA Report Submission & DON JAG Final Determination)(English, Alexander) (Entered: 05/08/2017)
05/23/2017	<u>25</u>	Memorandum in opposition to re <u>22</u> Cross MOTION for Summary Judgment and Consolidated Opposition to Defendants' Motion for Summary Judgment filed by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER. (Attachments: # <u>1</u> Response to Plaintiff's Statement of Material Facts, # <u>2</u> Third Bizzell Declaration)(Braswell, Marina) (Entered: 05/23/2017)
05/23/2017	<u>26</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER. (Attachments: # <u>1</u> Third Bizzell Declaration)(Braswell, Marina) (Entered: 05/23/2017)
06/19/2017	<u>27</u>	MOTION for Extension of Time to File Response/Reply to Defendants' Response to Plaintiff's Cross-Motion for Summary Judgment by ROBERT HAMMOND (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(English, Alexander) (Entered: 06/19/2017)
06/20/2017		MINUTE ORDER granting Plaintiff's <u>27</u> Motion for Extension of Time. It is hereby ORDERED that Plaintiff's cross-motion reply is due on or before 7/18/2017. Signed by Judge Ketanji Brown Jackson on 6/20/2017. (lckbj3) (Entered: 06/20/2017)
07/13/2017	<u>28</u>	Unopposed MOTION for Extension of Time to File by ROBERT HAMMOND (Attachments: # <u>1</u> Exhibit 1 - June 16, 2017 Email, # <u>2</u> Exhibit 2 - Hammond Doctor's Notes, # <u>3</u> Text of Proposed Order)(English, Alexander) (Entered: 07/13/2017)
07/14/2017		MINUTE ORDER setting Status Conference for 7/25/2017 at 10:00 AM in Courtroom 17 before Judge Ketanji Brown Jackson. The parties shall be prepared to apprise the Court of the status of the case, and the Court will address Plaintiff's <u>28</u> extension request at this time. Signed by Judge Ketanji Brown Jackson on 7/14/2017. (lckbj3) (Entered: 07/14/2017)
07/25/2017		Minute Entry for proceedings held before Judge Ketanji Brown Jackson: Status Conference held on 7/25/2017. Oral order denying without prejudice <u>18</u> Motion for Summary Judgment and <u>22</u> Cross Motion for Summary Judgment and Consolidated Opposition to Defendants' Motion for Summary Judgment. Defendant's Renewed summary judgment motion due by 9/5/2017. Scheduling order to be entered by

		chambers. (Court Reporter Barbara DeVico) (gdf) (Entered: 07/25/2017)
07/25/2017	<u>29</u>	ORDER denying Defendants' <u>18</u> Motion for Summary Judgment and Plaintiff's <u>22</u> Cross-Motion for Summary Judgment without prejudice, and setting schedule for further briefing. See attached document for details. Signed by Judge Ketanji Brown Jackson on 7/25/2017. (lckbj3) (Entered: 07/25/2017)
07/25/2017		MINUTE ORDER. In light of this Court's <u>29</u> Order denying the parties' cross-motions for summary judgment without prejudice, it is hereby ORDERED that Plaintiff's <u>28</u> Motion for Extension of Time is DENIED AS MOOT. Signed by Judge Ketanji Brown Jackson on 7/25/2017. (lckbj3) (Entered: 07/25/2017)
07/28/2017	<u>30</u>	NOTICE of Plaintiff's List of Records Still Outstanding and of Responsive/Potentially Responsive Records/Categories of Records by ROBERT HAMMOND re <u>29</u> Order on Motion for Summary Judgment,,,, Set/Reset Deadlines, (English, Alexander) (Entered: 07/28/2017)
08/31/2017	<u>31</u>	MOTION for Extension of Time to File <i>Renewed Motion for Summary Judgment</i> by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Braswell, Marina) (Entered: 08/31/2017)
09/01/2017		MINUTE ORDER granting <u>31</u> Motion for Enlargement of Time. It is hereby ORDERED that the schedule for briefing summary judgment in this matter is amended as follows: Defendants' Motion for Summary Judgment is due on or before 9/14/2017, and Plaintiff's consolidated Opposition and Cross-Motion for Summary Judgment is due on or before 11/12/2017. Signed by Judge Ketanji Brown Jackson on 9/1/2017. (lckbj1) (Entered: 09/01/2017)
09/14/2017	<u>32</u>	MOTION for Summary Judgment , <i>Renewed</i> by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Attachments: # <u>1</u> Second Bizzell Declaration, # <u>2</u> Third Bizzell Declaration, # <u>3</u> Fourth Bizzell Declaration, # <u>4</u> Fourth Bizzell Declaration – Ex. A, # <u>5</u> Fourth Bizzell Declaration – Ex. B, # <u>6</u> Fourth Bizzell Declaration – Ex. C, # <u>7</u> Fourth Bizzell Declaration – Ex. D, # <u>8</u> Fourth Bizzell Declaration – Exhibit E, # <u>9</u> Fourth Declaration – Exhibit G)(Braswell, Marina) (Entered: 09/14/2017)
11/13/2017	<u>33</u>	RESPONSE re <u>32</u> MOTION for Summary Judgment , <i>Renewed Consolidated Cross-Motion for Summary Judgment</i> filed by ROBERT HAMMOND. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit C-1, # <u>3</u> Exhibit C-3, # <u>4</u> Exhibit C-4, # <u>5</u> Exhibit C-5, # <u>6</u> Exhibit C-6, # <u>7</u> Exhibit C-7, # <u>8</u> Exhibit C-8, # <u>9</u> Exhibit C-9, # <u>10</u> Exhibit C-10, # <u>11</u> Exhibit C-11, # <u>12</u> Exhibit C-12, # <u>13</u> Exhibit C-13, # <u>14</u> Declaration, # <u>15</u> Exhibit D-1, # <u>16</u> Exhibit D-2, # <u>17</u> Exhibit D-3, # <u>18</u> Exhibit D-4)(English, Alexander) (Entered: 11/14/2017)
11/14/2017	<u>34</u>	ERRATA <i>appending Inadvertent Omissions from his Renewed Consolidated Cross-Motion</i> by ROBERT HAMMOND <u>33</u> Response to motion,, filed by ROBERT HAMMOND. (Attachments: # <u>1</u> Statement of Facts Dispute of Defendants' Statement of Facts and Plaintiff's Statement of Facts, # <u>2</u> Exhibit C-2, # <u>3</u> Exhibit C-14, # <u>4</u> Text of Proposed Order)(English, Alexander) (Entered: 11/14/2017)
11/14/2017	<u>35</u>	Cross MOTION (Renewed) for Summary Judgment by ROBERT HAMMOND. (See Docket Entries <u>33</u> and <u>34</u> to view documents). (znmw) (Entered: 11/15/2017)
11/28/2017	<u>36</u>	MOTION to Strike <u>34</u> Errata, <u>33</u> Response to motion,, <u>35</u> MOTION for Summary Judgment by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Braswell, Marina). Added MOTION to Stay on 11/29/2017 (znmw). (Entered: 11/28/2017)
11/29/2017		MINUTE ORDER. In light of Defendants' <u>36</u> Motion to Strike, it is hereby ORDERED that the remaining deadlines that this Court set for briefing summary judgment are STAYED until further Order of this Court. Signed by Judge Ketanji Brown Jackson on 11/29/2017. (lckbj1) (Entered: 11/29/2017)
11/30/2017	<u>37</u>	NOTICE by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER re <u>36</u> MOTION to Strike <u>34</u> Errata, <u>33</u> Response to motion,, <u>35</u> MOTION for Summary Judgment MOTION to Stay (Braswell, Marina) (Entered: 11/30/2017)

12/08/2017	<u>38</u>	RESPONSE re <u>36</u> MOTION to Strike <u>34</u> Errata, <u>33</u> Response to motion,, <u>35</u> MOTION for Summary Judgment MOTION to Stay <i>in Opposition</i> filed by ROBERT HAMMOND. (Attachments: # <u>1</u> Text of Proposed Order)(English, Alexander) (Entered: 12/08/2017)
12/13/2017	<u>39</u>	REPLY to opposition to motion re <u>36</u> MOTION to Strike <u>34</u> Errata, <u>33</u> Response to motion,, <u>35</u> MOTION for Summary Judgment MOTION to Stay filed by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER. (Braswell, Marina) (Entered: 12/13/2017)
02/08/2018		MINUTE ORDER. A status conference is set for this matter on February 22, 2018, at 10:30 AM in Courtroom 17 before Judge Ketanji Brown Jackson. Signed by Judge Ketanji Brown Jackson on 2/8/2018. (lckbj3) (Entered: 02/08/2018)
02/21/2018		NOTICE of Hearing:Status Conference reset for 2/22/2018 at 11:00 AM in Courtroom 17 before Judge Ketanji Brown Jackson. (gdf) (Entered: 02/21/2018)
02/22/2018		Minute Entry for proceedings held before Judge Ketanji Brown Jackson: Status Conference held on 2/22/2018. Order forthcoming via Chambers. (Court Reporter: Tim Miller) (jd) (Entered: 02/22/2018)
02/22/2018	<u>40</u>	ORDER denying Plaintiff's <u>35</u> Cross-Motion for Summary Judgment without prejudice and setting schedule for further briefing. See attached document for details. Signed by Judge Ketanji Brown Jackson on 2/22/2018. (lckbj3) (Entered: 02/22/2018)
02/22/2018		MINUTE ORDER administratively staying consideration of Defendants' motion for summary judgment to permit the refiling of Plaintiff's cross-motion for summary judgment pursuant to this Court's ruling on the Motion to Strike. For the Court's convenience and to promote judicial efficiency, it is hereby ORDERED that Defendants' <u>32</u> Motion for Summary Judgment is administratively STAYED until the parties have fully briefed the anticipated renewed cross-motion by Plaintiff and both motions are ripe for this Court's review. This Minute Order has no effect on the parties' obligations or any briefing deadlines set in this matter. Signed by Judge Ketanji Brown Jackson on 2/22/2018. (lckbj3) (Entered: 02/22/2018)
02/26/2018		Set/Reset Deadlines: Cross Motions due by 3/15/2018. Response to Cross Motions due by 4/5/2018. Reply to Cross Motions due by 4/26/2018. Response to Motion for Summary Judgment due by 3/15/2018. Reply to Motion for Summary Judgment due by 4/5/2018. (gdf) (Entered: 02/26/2018)
03/09/2018	<u>41</u>	Consent MOTION to Stay <i>Proceedings</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Declaration Exhibit 1 – 2nd English Decl., # <u>2</u> Exhibit Exhibit 2 – Redacted Final Offer Letter, # <u>3</u> Text of Proposed Order)(English, Alexander) (Entered: 03/09/2018)
03/12/2018		MINUTE ORDER granting in part <u>41</u> Motion to Stay. It is hereby ORDERED that the summary judgment briefing in this matter is STAYED until further Order of this Court. It is FURTHER ORDERED that Plaintiff shall file a status report on or before 4/16/2018, updating the Court on the status of his search for replacement counsel. The Clerk is instructed to mail a copy of this Minute Order to Plaintiff at 707 Upham Place NW, Vienna, VA 22180. Signed by Judge Ketanji Brown Jackson on 03/12/2018. (lckbj1) (Entered: 03/12/2018)
03/16/2018	<u>42</u>	Consent MOTION for Protective Order <i>as to Plaintiff's Exhibit B-8</i> , Consent MOTION for Order <i>to Seal Documents</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Text of Proposed Order)(English, Alexander) (Entered: 03/16/2018)
03/16/2018	<u>43</u>	Consent MOTION to Withdraw as Attorney by ROBERT HAMMOND (Attachments: # <u>1</u> Exhibit 1 – Notice to Plaintiff of Intent to Withdraw, # <u>2</u> Text of Proposed Order)(English, Alexander) (Entered: 03/16/2018)
03/19/2018		MINUTE ORDER granting <u>43</u> Motion to Withdraw as Attorney. Attorney Alexander J. E. English terminated. Signed by Judge Ketanji Brown Jackson on 03/19/2018. (lckbj1) (Entered: 03/19/2018)
03/19/2018		MINUTE ORDER granting <u>42</u> Motion for to Seal Documents 21–4, 22–5, and 24–9. IT is hereby ORDERED that Plaintiff shall file an Errata attaching a properly redacted copy of the document at issue. Signed by Judge Ketanji Brown Jackson on 03/19/2018. (lckbj1) (Entered: 03/19/2018)

04/12/2018	<u>44</u>	NOTICE of Appearance by Timothy W. Romberger on behalf of ROBERT HAMMOND (Romberger, Timothy) (Entered: 04/12/2018)
04/12/2018	<u>45</u>	STATUS REPORT by ROBERT HAMMOND. (Attachments: # <u>1</u> Text of Proposed Order)(Romberger, Timothy) (Entered: 04/12/2018)
04/13/2018	<u>46</u>	Consent MOTION for Extension of Time by ROBERT HAMMOND (Attachments: # <u>1</u> Text of Proposed Order)(Romberger, Timothy) Modified on 4/16/2018 to correct docket event/text(jf). (Entered: 04/13/2018)
04/13/2018	47	ENTERED IN ERROR AS A DUPLICATE FILING TO DOCKET ENTRY <u>45</u>STATUS REPORT by ROBERT HAMMOND. (See Docket Entry <u>46</u> to view document) (jf) Modified on 4/17/2018 (jf). (Entered: 04/16/2018)
04/16/2018		NOTICE OF ERROR re <u>46</u> Motion to Stay; emailed to Timromberger1@comcast.net, cc'd 3 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. DO NOT REFILE-- Counsel must docket all parts of their filing (jf,) (Entered: 04/16/2018)
04/16/2018		MINUTE ORDER. On April 13, 2018, Plaintiff filed a status report informing the Court that he has secured counsel to represent him in this matter. Accordingly, it is hereby ORDERED that the parties shall file a joint status report on or before 6/18/2018, which shall contain a proposed schedule for further proceedings if litigation is going to be necessary. Because Plaintiff's status report was timely filed and there are no pending deadlines to extend, it is FURTHER ORDERED that Plaintiff's <u>46</u> Motion for Extension of Time is DENIED AS MOOT. Signed by Judge Ketanji Brown Jackson on 04/16/2018. (lckbj1) (Entered: 04/16/2018)
05/02/2018	<u>48</u>	Consent MOTION for Leave to Appear Pro Hac Vice :Attorney Name-- Ruth Ann Azeredo, :Firm-- Law Office of Ruth Ann Azeredo LLC, :Address-- 1997 Annapolis Exchange Parkway Suite 300 Annapolis, Maryland 21401. Phone No. -- (410) 558-1915. Fax No. -- (410)558-1917 Filing fee \$ 100, receipt number 0090-5457342. Fee Status: Fee Paid. by ROBERT HAMMOND (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)(Romberger, Timothy) (Entered: 05/02/2018)
05/02/2018		MINUTE ORDER granting <u>48</u> Motion for Leave to Appear Pro Hac Vice. It is hereby ORDERED that Ruth Ann Azeredo is admitted pro hac vice in this matter as counsel for Plaintiff. Signed by Judge Ketanji Brown Jackson on 05/02/2018. (lckbj1) (Entered: 05/02/2018)
06/18/2018	<u>49</u>	Joint STATUS REPORT and Proposed Order by ROBERT HAMMOND. (Attachments: # <u>1</u> Text of Proposed Order)(Romberger, Timothy) (Entered: 06/18/2018)
06/26/2018		MINUTE ORDER adopting the parties' proposed schedule. It is hereby ORDERED that the following schedule is set for briefing renewed motions for summary judgment: Defendants' motion for summary judgment is due on or before 7/27/2018; Plaintiff's consolidated opposition and cross-motion for summary judgment is due on or before 9/25/2018; Defendants' consolidated reply and cross-motion opposition is due on or before 11/9/2018; Plaintiff's cross-motion reply is due on or before 1/8/2019. Signed by Judge Ketanji Brown Jackson on 06/26/2018. (lckbj1) (Entered: 06/26/2018)
06/26/2018		MINUTE ORDER denying without prejudice as moot <u>32</u> Motion for Summary Judgment. Signed by Judge Ketanji Brown Jackson on 06/26/2018. (lckbj1) (Entered: 06/26/2018)
06/27/2018		Set/Reset Deadlines: Summary Judgment motions due by 7/27/2018. Response to Motion for Summary Judgment due by 9/25/2018. Reply to Motion for Summary Judgment due by 11/9/2018. Reply to Cross Motions due by 1/8/2019 (hs) (Entered: 06/27/2018)
07/27/2018	<u>50</u>	Amended Renewed MOTION for Summary Judgment by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER (Attachments: # <u>1</u> Second Bizzell Declaration, # <u>2</u> Third Bizzell declaration, # <u>3</u> Fourth Bizzell Declaration, # <u>4</u> Index of Exhibits to Fourth Bizzell Declaration, # <u>5</u> Fourth Bizzell Declaration -- Ex. A, # <u>6</u> Fourth Bizzell Declaration -- Ex. B, # <u>7</u> Fourth Bizzell Declaration -- Ex. C, # <u>8</u> Fourth Bizzell Declaration -- Ex. D, # <u>9</u> Fourth Bizzell Declaration -- Ex. E, # <u>10</u> Fourth Bizzell

		Declaration – Ex. G, # <u>11</u> Table of Authorities)(Braswell, Marina) (Entered: 07/27/2018)
09/08/2018	<u>51</u>	Consent MOTION for Extension of Time to <i>Respond to Motion and Extend Briefing Schedule</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Text of Proposed Order)(Romberger, Timothy) (Entered: 09/08/2018)
09/17/2018	<u>52</u>	SUPERSEDING GENERAL ORDER AND GUIDELINES FOR FOIA CASES ASSIGNED TO JUDGE KETANJI BROWN JACKSON. This Order supersedes this Court's prior <u>8</u> General Order and Guidelines for Civil Cases. The Court will hold the parties and counsel responsible for following these amended directives, and parties and counsel should pay particular attention to the Court's instructions for processing and production of records, batching motions, and filing exhibits. Failure to adhere to this Order may, when appropriate, result in the imposition of sanctions and/or sua sponte denial of non-conforming motions. Signed by Judge Ketanji Brown Jackson on 9/17/2018. (lckbj1) (Entered: 09/17/2018)
09/17/2018		MINUTE ORDER GRANTING <u>51</u> Consent Motion to Extend Briefing Schedule. This Court has recently implemented a procedure for batching dispositive motions, see <u>52</u> Appendix to Superseding General Order and Guidelines for FOIA Cases Part 5(a), and has selected this case for batching. Accordingly, it is hereby ORDERED that the following service deadlines are set for the remaining briefs in this matter: Plaintiff's consolidated opposition and cross-motion for summary judgment shall be served on or before 11/1/2018; Defendants' consolidated reply and cross-motion opposition shall be served on or before 12/17/2018; Plaintiff's cross-motion reply shall be served on or before 2/18/2019. Briefs shall be filed as a batch within three (3) business days of the service of the last reply brief authorized by this Minute Order, but in any event no later than the Final Filing Deadline of 3/8/2019. In light of the new batching procedures, it is FURTHER ORDERED that Defendants' <u>50</u> Renewed Motion for Summary Judgment is DENIED without prejudice, with leave to refile once briefing of cross-motions is complete. Signed by Judge Ketanji Brown Jackson on 09/17/2018. (lckbj1) (Entered: 09/17/2018)
11/15/2018	<u>53</u>	MOTION for Relief Arising Under Federal Rule of Civil Procedure 56(d) by ROBERT HAMMOND (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Declaration in Support, # <u>3</u> Text of Proposed Order)(Romberger, Timothy) (Entered: 11/15/2018)
11/21/2018		MINUTE ORDER. Plaintiff has filed a Motion <u>53</u> for limited discovery pursuant to Federal Rule of Civil Procedure 56. Pursuant to Local Rule of Civil Procedure 7, any opposition by Defendants shall be filed on or before November 29, 2018, and Plaintiff's reply shall be filed on or before December 6, 2018. In light of the briefing for this discovery motion, it is hereby ORDERED that the existing schedule for briefing dispositive motions is STAYED pending further order of the Court. Signed by Judge Ketanji Brown Jackson on 11/21/2018. (lckbj3) (Entered: 11/21/2018)
11/26/2018		Set/Reset Deadlines: Defendant's response due by 11/29/2018. Plaintiff's reply due by 12/6/2018. (gdf) (Entered: 11/26/2018)
11/27/2018	<u>54</u>	Joint MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Motion for Limited Discovery</i> by ROBERT HAMMOND (Attachments: # <u>1</u> Text of Proposed Order)(Romberger, Timothy) (Entered: 11/27/2018)
11/28/2018		MINUTE ORDER granting <u>54</u> Joint Motion for Extension of Time to File Response/Reply. It is hereby ORDERED that Defendants' opposition to Plaintiff's Motion for Limited Discovery shall be filed on or before 12/6/2018; Plaintiff's reply shall be filed on or before 12/20/2018. Any further requests for extensions of time must comply with the Court's General Order and Guidelines for Civil Cases (ECF No.2). Counsel is specifically directed to Section 5(b) of the Order (requiring motions for extension of time to be filed "at least two (2) business days prior to expiration of the deadline"). Any future motions for extension of time that do not comply with these requirements may be summarily denied. Signed by Judge Ketanji Brown Jackson on 11/28/2018. (lckbj2) (Entered: 11/28/2018)
12/06/2018	<u>55</u>	Memorandum in opposition to re <u>53</u> MOTION for Relief Arising Under Federal Rule of Civil Procedure 56(d) filed by DEFENSE HEALTH AGENCY, DEPARTMENT OF DEFENSE, WALTER REED NATIONAL MILITARY MEDICAL CENTER.

		(Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 12/06/2018)
12/20/2018	<u>56</u>	REPLY to opposition to motion re <u>53</u> MOTION for Relief Arising Under Federal Rule of Civil Procedure 56(d) filed by ROBERT HAMMOND. (Romberger, Timothy) (Entered: 12/20/2018)